IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Second Appeal No. 76 of 2006

1. Mohan Lal S/o Late Sri Sudama (Minor)
2. Pappu Lal S/o Late Sri Sudama (Minor)
3. Vijay Lal S/o Late Sri Sudama (Minor)
   through her natural guardian mother
   Smt. Aitwari Devi
   All Appellants R/o Indra Colony
   Patti Barahat, Tehsil Bhatwari
   District Uttarkashi ... Appellants

Vs

Smt. Pyar Dei @ Pyar Devi
D/o Nain Singh
R/o Indra Colony
Patti Barahat, Tehsil Bhatwari
District Uttarkashi ...Respondent

Sri H.M. Raturi, learned counsel for the appellants.

Hon'ble B.C. Kandpal, J.

This second appeal has been preferred by the appellants against the judgment and decree dated 17.11.2006 passed by Civil Judge (Junior Division), Uttarkashi in Civil Appeal No. 12 of 2004 Sudama Vs. Smt. Pyar Dei whereby the appeal filed by the defendants/appellants was dismissed and confirmed the judgment and decree dated 17.11.2004 passed by Civil Judge (Junior Division) Uttarkashi in Original Suit No. 21 of 2002.

2. Brief facts of the case are that the defendants/appellants filed a suit before the Civil Judge (Junior Division), Uttarkashi dismissed the suit of the appellants vide judgment and decree dated 17.11.2004.

3. Feeling aggrieved by the aforesaid judgment, the defendants/appellants preferred an appeal before the first

appellate court which was also dismissed vide judgment and decree dated 13.09.2004.

4. Feeling aggrieved by the aforesaid judgments and decree, this second appeal has been preferred by the defendants/appellants.

5. Having considered the arguments advanced by the learned counsel for the appellants and after perusal of the evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, therefore do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact which cannot be interfered at the stage of second appeal. I also do not find any substantial question of law involved in this case.

6. The second appeal lacks merit and is liable to be dismissed.

7. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

20.11.2006
ASWAL.